

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 10-CR-0061(3) (PJS/AJB)

Plaintiff,

v.

ORDER

JEFFREY COLE BENNETT,

Defendant.

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Jeffrey Cole Bennett, pro se.

This matter is before the Court on defendant Jeffrey Bennett's motion for transcripts. Bennett has received permission from the United States Court of Appeals for the Eighth Circuit to represent himself on appeal and this Court has granted his motion to appeal *in forma pauperis*. The Court will therefore grant Bennett's motion, with the exception of his request for grand-jury transcripts.

To be entitled to grand-jury transcripts, a defendant must meet the standards articulated in Rule 6(e)(3)(E)(ii) of the Federal Rules of Criminal Procedure, which requires the defendant to show that grounds for dismissal might exist because of matters occurring before the grand jury and that the defendant has a "particularized need" for the transcripts. *See United States v. Daniels*, 232 Fed. Appx. 611, 612 (8th Cir. 2007); *United States v. Broyles*, 37 F.3d 1314, 1318 (8th Cir. 1994). Bennett has made no such showing; indeed, in his current motion, he does not give any reason at all for his request. Bennett has argued, in connection with other motions, that the government failed to prove to the grand jury that venue was proper as to the tax-evasion charges. But Bennett does not need the grand-jury transcripts to support his argument that venue

was improper; he can make his argument on the basis of the record developed before this Court. The Court therefore denies Bennett's motion to the extent he seeks grand-jury transcripts.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Defendant's motion for transcripts [ECF No. 375] is GRANTED IN PART and DENIED IN PART.
2. The motion is DENIED as to defendant's request for grand-jury transcripts.
3. The motion is GRANTED in all other respects.
4. The court reporters' costs are to be reimbursed by the United States District Court for the District of Minnesota.

Dated: December 10, 2012

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge